

AMENDED IN SENATE APRIL 22, 2003

AMENDED IN SENATE APRIL 1, 2003

SENATE BILL

No. 54

Introduced by Senator Dunn

January 13, 2003

An act to amend Section 18610.5 of, and to add Sections 18407 and 18408 *Section 18407* to, the Health and Safety Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 54, as amended, Dunn. Mobilehomes.

(1) The existing Mobilehome Parks Act generally provides for enforcement of the act by a local enforcement agency.

This bill would make a legislative finding and declaration that it is necessary ~~for~~ *that* the enforcement agency ~~to~~ *should* notify a complainant regarding a violation of the act as to when the complaint will be investigated, and to advise the complainant of the findings of the inspector.

~~The bill would require the enforcement agency, in the event of a dispute between a mobilehome owner and a mobilehome park operator concerning compliance of the homeowner's manufactured home or mobilehome with specified health and safety standards, upon the written request of the homeowner or the park operator, to inspect the mobilehome or manufactured home for code compliance. The bill would authorize the enforcement agency to adopt a fee for the inspection.~~

(2) The act prohibits creating, moving, shifting, or altering of park lot lines without written authorization of the local planning agency.

This bill, instead, would require the written authorization of the homeowner and a permit issued to the park owner or operator by the enforcement agency pursuant to prescribed procedures prior to creating, moving, shifting, or altering of park lot lines, as specified. Because a willful violation of the Mobilehome Parks Act is a misdemeanor, a willful violation of this requirement would constitute a crime. *The bill would authorize the enforcement agency to adopt a fee for the permit.*

(3) The bill would create a state-mandated local program by imposing new duties on local agencies and by creating new crimes.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18407 is added to the Health and Safety
- 2 Code, to read:
- 3 18407. The Legislature finds and declares that, because the
- 4 health and safety of mobilehome park occupants is a matter of
- 5 public interest and concern, it is necessary, pursuant to a complaint
- 6 about a violation of this part to the enforcement agency, that the



1 enforcement agency *should* notify the complainant in advance of
2 the date when the agency's inspector or representative is scheduled
3 to investigate the complaint, to enable the complainant to be
4 present to speak to the inspector or representative, and that
5 following an inspection of the complaint, the agency contact the
6 complainant to advise him or her of the inspector's or
7 representative's findings concerning the complaint.

8 ~~SEC. 2.—Section 18408 is added to the Health and Safety Code,~~
9 ~~to read:~~

10 ~~18408.—In the event of a dispute between a mobilehome owner~~
11 ~~and a mobilehome park operator concerning compliance of the~~
12 ~~homeowner's manufactured home or mobilehome with health and~~
13 ~~safety standards pursuant to Section 798.73 of the Civil Code, the~~
14 ~~enforcement agency shall, upon the written request of the~~
15 ~~homeowner or the park operator, inspect the mobilehome or~~
16 ~~manufactured home for code compliance. The enforcement~~
17 ~~agency may adopt a fee, by regulation, payable by the applicant,~~
18 ~~for the inspection authorized by this section.~~

19 ~~SEC. 3.—~~

20 ~~SEC. 2.~~ Section 18610.5 of the Health and Safety Code is
21 amended to read:

22 18610.5. (a) Park lot lines shall not be created, moved,
23 shifted, or altered without a permit issued to the park owner or
24 operator by the enforcement agency and the written authorization
25 of the homeowner or homeowners, if any, of the lot or lots on
26 which the lot line will be created, moved, shifted, or altered.

27 (b) No park lot line shall be created, moved, shifted, or altered,
28 if the action will place the homeowner of a mobilehome or
29 manufactured home located on a lot in violation of any separation
30 or space requirements under this part or under any administrative
31 regulation.

32 (c) The park owner or operator shall submit a written
33 application for the lot line permit to the enforcement agency. The
34 application shall include a list of the names and addresses of the
35 homeowners of mobilehomes or manufactured homes located on
36 the lot or lots that would be ~~affected~~ *altered* by the proposed lot line
37 change and the written authorization of the homeowners. The
38 enforcement agency may require, as part of the application for the
39 permit, that a mobilehome park owner or operator submit to the
40 enforcement agency a detailed plot plan showing the dimensions

1 of each lot ~~affected~~ *altered* by the creation of, or change in, the lot
2 lines. If submission of a plot plan is required, the mobilehome park
3 owner or operator shall provide a copy of the plot plan to
4 homeowners of mobilehomes or manufactured homes located on
5 each lot that would be ~~affected~~ *altered* by the proposed lot line
6 change and provide the enforcement agency, as part of the
7 application, with proof of delivery by first-class postage prepaid
8 of the copy of the plot plan to the affected homeowners.

9 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
10 ~~Section 6 of Article XIII B of the California Constitution for~~
11 ~~certain costs that may be incurred by a local agency or school~~
12 ~~district because in that regard this act creates a new crime or~~
13 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
14 ~~for a crime or infraction, within the meaning of Section 17556 of~~
15 ~~the Government Code, or changes the definition of a crime within~~
16 ~~the meaning of Section 6 of Article XIII B of the California~~
17 ~~Constitution.~~

18 ~~However, notwithstanding Section 17610 of the Government~~
19 ~~Code, if the Commission on State Mandates determines that this~~
20 ~~act contains other costs mandated by the state, reimbursement to~~
21 ~~local agencies and school districts for those costs shall be made~~
22 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
23 ~~4 of Title 2 of the Government Code. If the statewide cost of the~~
24 ~~claim for reimbursement does not exceed one million dollars~~
25 ~~(\$1,000,000), reimbursement shall be made from the State~~
26 ~~Mandates Claims Fund.~~

27 *(d) The enforcement agency may adopt a fee, by regulation,*
28 *payable by the applicant, for the permit authorized by this section.*

29 *SEC. 3. No reimbursement is required by this act pursuant to*
30 *Section 6 of Article XIII B of the California Constitution because*
31 *the only costs that may be incurred by a local agency or school*
32 *district will be incurred because this act creates a new crime or*
33 *infraction, eliminates a crime or infraction, or changes the penalty*
34 *for a crime or infraction, within the meaning of Section 17556 of*
35 *the Government Code, or changes the definition of a crime within*
36 *the meaning of Section 6 of Article XIII B of the California*
37 *Constitution or because a local agency or school district has the*
38 *authority to levy service charges, fees, or assessments sufficient to*

- 1 *pay for the program or level of service mandated by this act, within*
- 2 *the meaning of Section 17556 of the Government Code.*

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